

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Wassim Abedrabbo	Team: Squad #12	CCRB Case #: 201705845	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Wednesday, 04/26/2017 6:00 PM	Location of Incident: in front of 334 East 112th Street, and the 23rd Precinct stationhouse	Precinct: 23	18 Mo. SOL 10/26/2018	EO SOL 10/26/2018	
Date/Time CV Reported Mon, 07/17/2017 1:17 PM	CV Reported At: CCRB	How CV Reported: Mail	Date/Time Received at CCRB Mon, 07/17/2017 1:17 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. SGT John Mejia	01253	928770	NARCBMN
2. An officer			NARCBMN
3. DT3 Thomas Amato	543	945134	NARCBMN
4. DT3 Natasha Yasin	3340	931461	RTCC
5. SGT Jose Salas	03754	941831	034 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DT3 Jeremy Ramos	285	943716	NARCBMN
2. DT3 Shakina Fludd	3101	944262	NARCBMN
3. DT3 Keithlyn Frederick	5388	923843	NARCBMN

Officer(s)	Allegation	Investigator Recommendation
A.DT3 Thomas Amato	Force: In front of 334 East 112th Street in Manhattan, Detective Thomas Amato used physical force against § 87(2)(b)	
B. An officer	Discourtesy: In front of 334 East 112th Street in Manhattan, An officer spoke discourteously to § 87(2)(b)	
C.SGT John Mejia	Abuse: At the 23rd Precinct stationhouse, Sergeant John Mejia strip-searched § 87(2)(b)	
D.SGT John Mejia	Abuse: At the 23rd Precinct stationhouse, Sergeant John Mejia strip-searched § 87(2)(b)	
E.SGT John Mejia	Discourtesy: At the 23rd Precinct stationhouse, Sergeant John Mejia spoke discourteously to § 87(2)(b)	
F.SGT John Mejia	Abuse: At the 23rd Precinct stationhouse, Sergeant John Mejia threatened § 87(2)(b) with the use of force.	
G.SGT John Mejia	Abuse: At the 23rd Precinct stationhouse, Sergeant John Mejia did not obtain medical treatment for § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
§ 87(4-b), § 87(2)(g)	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Case Summary

On July 17, 2017, § 87(2)(b) filed this complaint with the CCRB via mail.

On April 26, 2017, at approximately 6:00 p.m., Detective Jeremy Ramos observed § 87(2)(b) and § 87(2)(b) engage in a hand to hand drug transaction inside the courtyard of 334 East 112th Street in Manhattan. Upon Det. Ramos' observation, he, Sergeant John Mejia, Detective Thomas Amato, Detective Shakina Fludd, and Detective Keithlyn Fredericks, all of Manhattan North Narcotics, approached the individuals to arrest them. Sgt. Mejia allegedly grabbed § 87(2)(b) wrists before identifying himself and § 87(2)(b) pulled his arms away. Det. Amato then took § 87(2)(b) to the ground by taking his "legs from underneath" him in a sweeping motion (**Allegation A: Force – physical force, § 87(2)(g)**). Det. Amato and Sgt. Mejia began to handcuff § 87(2)(b) during which an officer told § 87(2)(b) to, "Shut the fuck up" (**Allegation B: Discourtesy – word, § 87(2)(g)**).

§ 87(2)(b) was then raised off the ground. By that time the field team's prisoner van arrived at the location, driven by Sergeant Jose Salas, currently assigned to the 34th Precinct, with Detective Natasha Yasin in the passenger, currently assigned to Real Time Crime Control, and who were both assigned to Manhattan North Narcotics at that time. § 87(2)(b) and § 87(2)(b) were all placed in the prisoner van to be taken to the 34th Precinct stationhouse.

Upon arriving at the stationhouse, § 87(2)(b) and the other individuals were taken to the command desk and then into a holding cell. Shortly after, § 87(2)(b) and § 87(2)(b) were allegedly taken out of the holding cell and strip searched, each separately (**Allegation C: Abuse of authority – strip search, § 87(2)(g)**) (**Allegation D: Abuse of Authority – strip search, § 87(2)(g)**). During the process of § 87(2)(b) alleged strip searched, Sgt. Mejia asked him if he had any needles on him; allegedly further stating that if he got "pricked" he would, "fuck § 87(2)(b) up" (**Allegation E: Discourtesy – word, § 87(2)(g)**) (**Allegation F: Abuse of Authority – threat of force, § 87(2)(g)**).

Also at the stationhouse, § 87(2)(b) asked Sgt. Mejia for medical attention, but Sgt. Mejia did not do so (**Allegation G: Abuse of Authority – failure to obtain medical treatment, § 87(2)(g)**). § 87(2)(b) received medical attention after arriving at Manhattan Central Booking.

§ 87(4-b), § 87(2)(g)

No video footage was obtained in relation to this incident.

§ 87(2)(b) and § 87(2)(b) were all arrested in relation to the incident under investigation.

Findings and Recommendations

Allegation (A) Force: In front of 334 East 112th Street in Manhattan, Detective Thomas Amato used physical force against § 87(2)(b)

It is undisputed that § 87(2)(b) resisted the officers' attempts to arrest him by moving away from Sgt. Mejia.

During his CCRB statement, § 87(2)(b) stated that he and his acquaintances were smoking a marijuana cigarette just before being arrested (**Board Review 01**). Sgt. Mejia approached him first and grabbed him at his wrists without identifying himself. Because he did not know who Sgt. Mejia was, § 87(2)(b) got nervous and pulled his arms away from Sgt. Mejia. However, while elaborating on the action of Sgt. Mejia grabbing his wrist, § 87(2)(b) stated that it appeared to him that Sgt. Mejia was focused on not letting him throw anything. After § 87(2)(b) pulled his arms away, he was taken to the ground in a sweeping motion from behind. He was then placed in handcuffs five to 10 seconds after. He did not resist the handcuffing.

§ 87(2)(b) and § 87(2)(b) were unavailable to the investigation.

Det. Amato stated to the investigation that he was initially positioned away from 334 East 112th Street, until Det. Ramos, who was relaying information to the team about his observations, instructed him and the team to go to the location because he observed § 87(2)(b) and the other individuals engage in a hand-to-hand drug transaction (**Board Review 02**). Upon arriving, Det. Amato saw Sgt. Mejia speaking with § 87(2)(b). Det. Amato did not recall if he or any other officer identified themselves as police officers upon arrival. Det. Amato saw § 87(2)(b) push Sgt. Mejia with two open palms against his chest, and then begin to run northwest on East 112th Street and he pursued § 87(2)(b). Upon catching up to § 87(2)(b) Det. Amato grabbed § 87(2)(b) upper body from behind. Because they were both in motion, the action caused them to go to the ground. On the ground, § 87(2)(b) began resisting by twisting and bending his body and moving his arms. With the assistance of Sgt. Mejia, the officers held § 87(2)(b) down and pulled his arms behind his back to get him in handcuffs.

Sgt. Mejia provided a statement generally consistent with Det. Amato, but he added the following: When he arrived on scene, Sgt. Mejia observed § 87(2)(b) exiting a gate in front of 334 East 112th Street in Manhattan (**Board Review 03**). He walked in front of § 87(2)(b) and identified himself as a police officer. § 87(2)(b) immediately pushed Sgt. Mejia, placed a hand in his pocket, and he began to move away from Sgt. Mejia. Sgt. Mejia then grabbed § 87(2)(b) wrist on the hand he placed in his pocket to gain control of the hand, but § 87(2)(b) pushed him once more and began to run west bound on East 112th Street, onto the street. Det. Amato gave chase and “after a couple of feet” he attempted to grab § 87(2)(b) upper body from the back, which caused them to go to the ground. § 87(2)(b) still had his hand in his pocket, and he pulled out a rock of crack-cocaine that he attempted to destroy on the ground and eventually attempted to swallow. The officers prevented him from doing so by grabbing his arms to place them behind his back. Sgt. Mejia was unable to estimate how long it took him and Det. Amato to place § 87(2)(b) arms behind his back; however, they were ultimately able to gain control of § 87(2)(b).

Det. Ramos and Det. Frederick provided statements generally consistent with the accounts provided by Det. Amato and Sgt. Mejia (**Board Review 04**) (**Board Review 05**). Both officers stated that while Sgt. Mejia and Det. Amato were placing § 87(2)(b) in cuffs, they walked over to assist but they did not physically help because there was not room to assist.

Det. Fludd did not see the interaction between § 87(2)(b) and Sgt. Mejia or Det. Amato (**Board Review 06**). Sgt. Salas and Det. Yasin were not at the incident location at the time the individuals were first approached or when § 87(2)(b) was taken to the ground (**Board Review 07**) (**Board Review 08**).

§ 87(2)(g)

§ 87(2)(g)

Patrol Guide Procedure 221-01 In determining if use of force is appropriate, NYPD officers must consider the actions of the subject, if the subject resisting arrest, and if the subject is evading arrest by flight (**Board Review 09**).

§ 87(2)(g)

Allegation (B) Discourtesy: In front of 334 East 112th Street in Manhattan, an officer spoke discourteously to § 87(2)(b)

§ 87(2)(b) alleged that while the officers were placing him in handcuffs he was in pain, and an officer told him to, “Shut the fuck up.” § 87(2)(b) was looking down at the ground and he did not see which officer made that statement. He was not able to identify the officer by voice.

None of the officers who were near § 87(2)(b) while he was being placed in handcuffs acknowledged telling § 87(2)(b) to “shut the fuck up,” or hearing any other officer make that statement.

§ 87(2)(g)

Allegation (C) Abuse of Authority: At the 23rd Precinct stationhouse, Sergeant John Mejia strip-searched § 87(2)(b)

Allegation (D) Abuse of Authority: At the 23rd Precinct stationhouse, Sergeant John Mejia strip-searched § 87(2)(b)

Allegation (E) Discourtesy: At the 23rd Precinct stationhouse, Sergeant John Mejia spoke discourteously to § 87(2)(b)

Allegation (F) Discourtesy: At the 23rd Precinct stationhouse, At the 23rd Precinct stationhouse, Sergeant John Mejia threatened § 87(2)(b) **with the use of force.**

§ 87(2)(b) stated that approximately five to 10 minutes after he, § 87(2)(b) and § 87(2)(b) were placed inside of the holding cell, Sgt. Mejia and Det. Ramos began to take each of them out and to the bathroom one by one. He did not see what occurred when the other individuals were taken out of the cell and to the bathroom, but when he was taken Sgt. Mejia instructed him to take off his pants, under pants, and other garments. He then handed his clothes to Sgt. Mejia, who asked if he had needles or any illegal substances in the clothes, to which § 87(2)(b) said no. In response Sgt. Mejia said, that he did not want to get pricked, and that if he did he would “fuck § 87(2)(b) up” (**Board Review 01**).

§ 87(2)(b) and § 87(2)(b) were unavailable to the investigation.

The April 26, 2017, 23rd Precinct Command Log, notes, under § 87(2)(b)'s arrest stamp, that Sgt. Mejia authorized a strip-search of § 87(2)(b) and that the search yielded negative results (**Board Review 12**). There is not a strip search notation under § 87(2)(b) arrest stamp.

The investigation was unable to access § 87(2)(b)'s arrest report or other arrest documents because his arrest is sealed. Due to his lack of cooperation, the investigation was unable to obtain an unsealing order from him to access additional information surrounding his arrest.

During his CCRB statement, Sgt. Mejia stated that he did not strip search § 87(2)(b). He did not recall any of the other individuals arrested with § 87(2)(b) but he stated that he did not strip-search anyone involved in the arrest. Upon being presented the 23rd Precinct command log entries made on April 26th, 2017, Sgt. Mejia stated that he did not recall if § 87(2)(b) was involved in the arrests made relating to this complaint. He was unable to provide information regarding § 87(2)(b)'s strip search because he did not recall the interaction. Sgt. Mejia did not tell § 87(2)(b) that if he got pricked he would “fuck § 87(2)(b) up” (**Board Review 03**).

Det. Ramos provided a statement consistent with Sgt. Mejia. He did not witness § 87(2)(b) being strip searched at the stationhouse as alleged. He did not recall hearing Sgt. Mejia tell § 87(2)(b) that he would fuck him up if he got pricked by a sharp item (**Board Review 04**).

§ 87(2)(g)

§ 87(2)(g)

Allegation (G) Abuse of Authority: At the 23rd Precinct stationhouse, Sergeant John Mejia did not obtain medical treatment for § 87(2)(b)

It is undisputed that § 87(2)(b) sustained an abrasion to the left side of his face when he was taken to the ground by Det. Amato.

§ 87(2)(b) stated that while in the stationhouse, he requested that Sgt. Mejia get him medical attention. Sgt. Mejia then “pacified” his request by giving him a cigarette, chips, and soda. He did not receive medical attention until he arrived at Manhattan Central Booking (**Board Review 01**).

In his interview for CCRB case number § 87(2)(b), § 87(2)(b) stated that before he was taken to the stationhouse, Sgt. Mejia was taking his pedigree information. At that time, he asked Sgt. Mejia for medical attention. In response, Sgt. Mejia told him that he would have to wait for a later point in the arrest. He was taken to the 23rd Precinct stationhouse, but he did not receive medical attention. He received medical attention upon arriving at Manhattan Central Booking by the staff there (**Board Review 10**).

Sgt. Mejia stated that he did not recall if § 87(2)(b) asked him for medical attention. He stated that § 87(2)(b) was taken to the hospital, for the injury to his face, by Sgt. Salas and Det. Yasin prior to him being taken to the Manhattan Central Booking (**Board Review 03**).

Sgt. Salas and Det. Yasin both stated that they took § 87(2)(b) and § 87(2)(b) straight to Manhattan Central Booking from the 23rd Precinct stationhouse. They took § 87(2)(b) who was arrested in relation to a different interaction, to the hospital alone after taking him to Manhattan Central Booking. They did not take § 87(2)(b) to the hospital. (**Board Review 07**) (**Board Review 08**).

Sgt. Salas' April 26, 2017, 11:45 p.m. memo book entry noted he arrived at Manhattan Central Bookings with the arrested individuals, including § 87(2)(b) (**Board Review 11**).

A Medical Treatment of Prisoner Report (MTPR) was prepared for § 87(2)(b) on § 87(2)(b), by Det. Yasin (**Board Review 13**). The “Prisoner Requests/Requires Medical Aid” box has a “Yes” response. In the “Prisoner Refused Medical Aid” box, “No” was selected. In the “Transported to Hospital (Name)” box, “N/A” was written. Furthermore, at 12:56 a.m., the registered nurse, § 87(2)(b), noted that § 87(2)(b) had a two-inch abrasion on the side of his face and that the wound was cleaned and bandaged in the “Remarks” section.

§ 87(2)(g)

Patrol Guide Procedure 210-04 If a prisoner requires medical attention during arrest processing, officers are required to request an ambulance for treatment or removal to the hospital if needed (**Board Review 14**).

§ 87(2)(g)

§ 87(4-b) § 87(2)(g), § 87(2)(e)

§ 87(4-b) § 87(2)(g), § 87(2)(e)

Civilian and Officer CCRB Histories

- § 87(2)(b)
[REDACTED]
 - [REDACTED]
 - [REDACTED]
- This is the first CCRB complaint to which § 87(2)(b) has been a party (**Board Review 16**).
- Det. Amato has been a member of service for 10 years and has been a subject in four CCRB complaints and five allegations, none of which were substantiated. § 87(2)(g)
[REDACTED]
- Sgt. Mejia has been a member of service for 16 years and has been a subject in 12 CCRB complaints and 25 allegations, of which four were substantiated:
 - 201506936 involved substantiated allegations of Force – Handcuffs too tight, Abuse - Threat of arrest, Abuse – Search of person, and Abuse - Stop against Sgt. Mejia. The board recommended charges and the NYPD has not yet imposed discipline.
 - § 87(2)(g) [REDACTED]
- Sgt. Salas has been a member of service for 11 years and has been a subject in four CCRB complaints and six allegations, none of which were substantiated. § 87(2)(g)
[REDACTED]
- Det. Yasin has been a member of service for 15 years and has been a subject in four CCRB complaints and seven allegations, none of which were substantiated. § 87(2)(g)
[REDACTED]

Mediation, Civil and Criminal Histories

- This case was not suitable for mediation due to the arrest.
- As of June 18, 2018, § 87(2)(b) has not filed a Notice of Claim with the NYC Comptroller's Office (**Board Review 17**).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)] [REDACTED]
[REDACTED]
[REDACTED]

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
• [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad No.: 12

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date